

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Chuck and Ann Fina Family Revocable  
Trust Dated August 30, 1996,

10 Plaintiff,

11 v.

12 Thomas G Boyle, Sr, et al.,

13 Defendants.  
14

No. CV-25-00273-TUC-JCH

**ORDER**

15 On June 5, 2025, Defendant Thomas Boyle Sr. removed this action from Pima  
16 County Superior Court to the United States District Court for the District of Arizona.  
17 Doc. 1. The Court remanded this case to Pima County Superior Court because the  
18 underlying complaint is an action to quiet title, which is a state court issue. Doc. 10.  
19 Before the Court is Defendant's Motion for Reconsideration Under Federal Rule 59(e).  
20 Doc. 11.

21 A motion for reconsideration must be denied absent "highly unusual  
22 circumstances," such as (1) "newly discovered evidence," (2) "clear error," or (3) "an  
23 intervening change in the controlling law." 389 *Orange St. Partners v. Arnold*, 179 F.3d  
24 656, 665 (9th Cir. 1999); *see also* LRCiv. 7.2(g).

25 Defendant alleges the Court committed clear error because jurisdiction is  
26 mandatory over this action under 43 U.S.C. § 945. Doc. 11 at 2. A court commits clear  
27 error by applying an "erroneous view of law." *Faile v. Upjohn Co.*, 988 F.2d 985, 987  
28 (9th Cir 1993). The underlying complaint here is for an action to quiet title to property,


1 which arises under state law, A.R.S. § 12-1101. Defendant provides no authority that  
 2 “federal patent rights” are a basis for exclusive federal jurisdiction under these  
 3 circumstances.<sup>1</sup> Indeed, the United States Supreme Court, the Ninth Circuit, and other  
 4 lower courts have “repeatedly reaffirmed” that federal land patents do not confer federal  
 5 question jurisdiction. *Virgin v. County of San Luis Obispo*, 201 F.3d 1141, 1143 (9th Cir.  
 6 2000). The Court committed no error in finding it lacks jurisdiction and remanding the  
 7 matter to Pima County Superior Court.

8 Defendant also makes several new arguments and provides “newly discovered  
 9 evidence” in service of his claim for jurisdiction under 43 U.S.C. § 945. But a motion for  
 10 reconsideration “may not be used to raise arguments or present evidence for the first time  
 11 when they could reasonably have been raised earlier in the litigation.” *Kona Enters., Inc.*  
 12 *v. Est. of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Defendant gives no explanation for  
 13 why these new arguments and “newly discovered” evidence could not have been raised  
 14 earlier. *See* LRCiv. 7.2(g)(1). Further, the arguments and evidence are largely offered in  
 15 support of Defendant’s jurisdiction argument, which the Court, as above, finds  
 16 unpersuasive.

17 Accordingly,

18 **IT IS ORDERED denying** Defendant’s Motion for Reconsideration (Doc. 11).

19 Dated this 17th day of June, 2025.

20  
21  
22  
23  
24  
25  
  
 \_\_\_\_\_  
 John C. Hinderaker  
 United States District Judge

26  
27  
28  


---

<sup>1</sup> Defendant misconstrues the significance of “Supplemental Exhibit A,” in which he  
 claims the Ohio Supreme Court purportedly gave “judicial recognition of constitutional  
 land patent defenses.” Doc. 11-1 at 5–19. Supplemental Exhibit A is merely a pleading  
 by another pro se litigant similarly attempting to assert this defense—which the Ohio  
 Supreme Court ultimately denied. *See Atlantica, LLC v. Salahuddin*, 253 N.E.3d 143  
 (Ohio Feb. 26, 2025).